IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

CIVIL CASE NO. 3:06cv435

PATRIC T. KENNEDY,)
Plaintiff,)
vs.) <u>ORDER</u>
MICHAEL J. ASTRUE, COMMISSIONER, SOCIAL SECURITY ADMINISTRATION,)))
Defendant.))

THIS MATTER is before the Court on the parties' consent motion pursuant to sentence four of 42 U.S.C. section 405(g), to enter a judgment reversing the decision and remanding the cause for further administrative proceedings. For the reasons stated in the motion, it will be granted.

On remand, the Commissioner shall assign this matter to an Administrative Law Judge ("ALJ") to further evaluate the opinions of the State Agency medical consultant and the consultative examiner, Dr. Glenn Baumblatt; assess Plaintiff's residual functional capacity as of the time his insured status expired on December 31, 1994, as well as Plaintiff's current

residual functional capacity, with specific citation to the evidence of record that supports each conclusion; and, if necessary, secure additional vocational expert testimony to determine the existence of other work that exists in significant numbers in the national and/or regional economies that was within Plaintiff's capacity at the time his insured status lapsed and currently.

IT IS, THEREFORE, ORDERED that the Commissioner's decision is hereby REVERSED and the case REMANDED pursuant to sentence four of 42 U.S.C. section 405(g) for further proceedings as stated herein.

Signed: November 17, 2007

Martin Reidinger United States District Judge